

# REGULATIONS FOR SPECIFIC PRODUCTS

## SELLING DAIRY PRODUCTS



There is a creative and quality-focused small dairy sector with over a hundred licensed milk processors in Washington. Most are independent dairy farms that are direct marketing their goat, cow, and sheep milk; and/or farmstead and artisan cheeses, yogurts, butters, kefir, ice cream, and more. Customers are interested in high quality specialty products, and some seek local farms focused on animal welfare and land stewardship practices, including pastured-raised animals. Milk and most other dairy products are considered to be a potentially hazardous food product due to the high potential of pathogen growth if products are not handled properly. It takes no small effort to navigate the regulations designed to reduce the risk of unintentional contamination.

### **This fact sheet includes information on:**

- Support from WSDA's Food Safety Program
- Dairy animal health requirements
- Milk Producers License
- Milk Processing Plant License
- Pasteurized fluid milk sales
- Raw fluid milk sales
- Cheese, butter and other dairy products
- Ice cream and frozen dairy desserts
- Interstate Milk Shippers Program
- Milk Hauler's License

### **Support from WSDA's Food Safety Program**

The WSDA Food Safety Program is available to provide one-on-one technical assistance for dairy farms and milk processing plants to help producers make safe dairy products. WSDA Food Safety inspectors can advise producers about a wide range of technical considerations, including milking parlor and milk processing plant designs, layout, construction materials, equipment prior to purchase, heating and cooling procedures, evaluation of your water source and cross-connections, food science techniques for preventing cross-contamination from the farm to your milk processing plant, and labeling of dairy products, as well as the application process for your license.

Investment in a dairy and milk processing equipment is important to consider carefully. Research options, learn from others, and consider budget. Be sure to contact the WSDA Food Safety Program with any questions about processing plans or equipment, especially before making new investments in a facility.

Reach the WSDA Food Safety Program at 360-902-1876, [foodsafety@agr.wa.gov](mailto:foodsafety@agr.wa.gov). Additional information is also available on the WSDA website by searching for "dairy license" at [agr.wa.gov](http://agr.wa.gov).

### **Dairy Animal Health Requirements**

All milking mammals must meet the animal health requirements established by the State Veterinarian, who operates out of the WSDA's Animal Services Division (Chapter 16.36 RCW). It is illegal to sell or deliver milk or milk products produced from diseased mammalian animals (Chapter 15.36 RCW). In particular, this means that:

- Mammalian animals showing chronic mastitis are not allowed to be part of the milking herd.
- Raw milk intended to be consumed in the raw state must come from a herd that has tested negative within the previous 12 months for diseases designated by the State Veterinarian. Animals producing milk for pasteurization are not required to conduct the raw milk animal disease testing, as the pasteurization process eliminates the disease from the milk.
- Animals new to the herd must be tested negative for diseases within 30 days before introduction to the herd.
- Animals must be tested yearly to assure their health.

### **Milk Producers License**

A key license required for dairy producers who sell milk is the Milk Producers License. The requirement is the same for cow, goat and sheep dairies. A "milk producer" is defined as a person or organization that operates a dairy farm and provides, sells, or offers milk for sale to a milk processing plant, receiving station, or transfer station. This is an annual license and is free.

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For more information, please review the WSDA's "Milk Producers Licensing Handbook." This resource is over 50 pages and includes information on applying for a Milk Producers License, potable water requirements, inspections, compliance and enforcement, biosecurity procedures, and other resources. Please call the Food Safety Program, 360-902-1876 for a copy, or access it online by searching the WSDA website, [agr.wa.gov](http://agr.wa.gov).

Milk Producers License application packets and assistance are also available from the WSDA Food Safety Program.

### Milk Processing Plant License

Another key license for most independent dairies that will process milk products is the Milk Processing Plant License. The requirement is the same for cow, goat, and sheep dairies. In this context, "milk processing plant" is defined as a place, premises, or establishment where milk or milk products are collected, handled, processed, stored, bottled, pasteurized, aseptically processed, or prepared for distribution. All milk processing plants must have a Milk Processing Plant License. There is one exception: if an establishment merely receives processed milk products and serves them or sells them at retail, then it does not need the Milk Processing Plant License.

The Milk Processing Plant License is annual, costs \$250 per year, and is issued by the WSDA Food Safety Program. A complete description of the Milk Processing Plant License and application are available on the WSDA website, [agr.wa.gov](http://agr.wa.gov). Search for "Milk Processing Plant."

The Milk Processing Plant License covers only those products, processes, and operations specified in the license application and approved for licensing by WSDA. A milk processing plant may choose to process Grade A milk and milk products, or other milk products that are not classified Grade A.

When a licensed processor wishes to add a milk product that is not specified on their license, they must submit a licensing amendment to the WSDA Food Safety Program. The amendment should include the type of product, all processing steps, and a copy of the label. This may include the need for on-site approval of new equipment and facility design by the WSDA Food Safety Inspector. Please note that the license is only valid for the physical site address noted on the Milk Processing Plant License application.

Licensed Milk Processors are not required to obtain the WSDA Food Processor License unless they also manufacture non-milk products such as non-dairy creamers, bottled water, juice drinks, or other food products; or use previously processed milk products that they will further process (e.g. smoking or re-packaging another licensed processor's cheese or adding granola to another processor's yogurt). When a Milk Processing Plant also manufactures food products and must obtain a WSDA Food Processor License, ordinarily only one licensing fee will be charged. (See RCW 15.16.051 and RCW 69.07.04.)

Anyone working in the dairy who take samples; grades, weighs or measures milk, cream, or fluid milk product for sale; or who operates dairy pasteurization equipment needs a Dairy Technician License from the WSDA.

Assistance and licensing application packets for all licenses are available from the WSDA Food Safety Program at 360-902-1876, [foodsafety@agr.wa.gov](mailto:foodsafety@agr.wa.gov) or on the WSDA website, [agr.wa.gov](http://agr.wa.gov).

### Pasteurized Fluid Milk Sales

Pasteurized fluid milk that is processed by a WSDA-licensed milk processing plant can be sold directly to consumers and through all food distribution channels in Washington State and out of state. However, if you want to sell out of state, there are additional requirements. Please see the Interstate Milk Shippers Program section of this fact sheet.

### Raw Fluid Milk Sales

Retail raw fluid milk produced by a WSDA-licensed milk producer and bottled at that producer's licensed milk processing plant can be sold direct to consumers (e.g., through farmers markets, farm stores, buying clubs, in-state internet sales, etc.) and through retailers (e.g., grocery stores and co-ops) within Washington State. Interstate sales are prohibited. Raw milk can only ultimately be sold to a consumer for their family or guests' consumption. It cannot be added to coffee in retail settings (i.e., a store, restaurant, coffee stand, etc.). Raw milk sold to consumers for their use may not be used as an ingredient in any other products produced for sale.

## Labeling Requirements for Raw Milk

Raw milk sold in Washington State is required by state law to have the following information on its label (Chapters 15.36 and 15.130 RCW, and WAC 16-101-800):

- ✓ Identification of the product, including the word "Raw" in clear lettering
- ✓ The name and business address of the producer or packager
- ✓ The volume, and grade of the milk.
- ✓ The statement: "WARNING: This product has not been pasteurized and may contain harmful bacteria. Pregnant women, children, the elderly and persons with lowered resistance to disease have the highest risk of harm from use of this product." This statement must be on the primary display panel in a contrasting color.
- ✓ The pull date.

## Signage Requirements for Raw Milk

When selling retail raw milk in a retail outlet such as a grocery store, a sign must be posted near the product that states: "Warning: Raw milk or foods prepared from raw milk may be contaminated with dangerous bacteria capable of causing severe illness. Contact your local health agency for advice or to report a suspected illness" (WAC 246-215-051). Often stores will post the sign on the glass cooler door in front of or beside the raw milk.

## Selling Raw Fluid Milk for Further Processing

Raw fluid milk produced by a WSDA-licensed Milk Producer can be sold wholesale for pasteurization and further processing, or for making raw aged cheese, at a licensed Milk Processing plant. However, raw milk that is licensed, bottled, and labeled for retail sale to consumers may not be used for any further type of processing. Please see the "Retail Raw Milk Guide" on the WSDA website by searching at [agr.wa.gov](http://agr.wa.gov).

## Cheese, Butter and Other Dairy products

To process milk into cheese, butter, kefir, yogurt and/or other dairy products you must obtain a Milk Processing Plant License from WSDA. To process milk from their own animals, a Milk Producer License is

also required. A WSDA-licensed Food Processor that buys milk from a farm to make cheese does not need a Milk Producer License. However, the farm they buy the milk from does need a Milk Producer License.

Cheese can be processed from pasteurized milk or raw milk. If processing cheese from raw milk, then the cheese must be aged at not less than 35°F for at least 60 days. Other value-added dairy products (e.g., chocolate milk, buttermilk, egg nog, yogurt, and kefir) must be processed from pasteurized milk, and the milk must be pasteurized where the final products are manufactured, so re-pasteurization may be necessary (properly aged cheese is the exception, since even raw milk may be used).

## Ice Cream and Frozen Dairy Desserts

There are two licensing approaches for making frozen dairy desserts such as ice cream and frozen novelties like ice cream bars.

1. As a WSDA-licensed Milk Processor, you can make your own pasteurized ice cream and frozen dairy desserts. You may also make pasteurized ice cream mix for sale to other ice cream makers who will further process it into their own products. These specific products must be approved by WSDA and listed on your Milk Processor License.
2. A WSDA Food Processor License is required to purchase legally pasteurized ice cream mix from a Milk Processor to further process into flavored ice cream and other frozen dairy desserts.

All frozen desserts and ice cream must meet the state's Processing Frozen Desserts regulation which includes allowed handling, storage, transportation, and ingredient inclusion pre- and post-pasteurization. There are specific requirements for when re-pasteurization of ice cream mix is required and what ingredients must be added to frozen dessert mix before or after final pasteurization. Contact the WSDA Food Safety program for guidance. Reference the regulation, by looking up Chapter 16-144 WAC online on the Washington State Legislature webpage, [apps.leg.wa.gov](http://apps.leg.wa.gov). For complete requirements for ice cream and other frozen desserts, call the WSDA Food Safety Program, 360-902-1876.

## Interstate Milk Shippers Program

Producers selling Grade A Milk and Milk Products in interstate commerce (out of state) must be participants of the Interstate Milk Shippers Program (IMS). Participants must meet all applicable federal requirements such as the Code of Federal Regulations (CFR) Title 21. Producer's milk that is shipped to an IMS-listed facility must meet all IMS requirements, even if they also ship milk to a milk processor NOT directly involved in the IMS program. Contact the WSDA Food Safety Program for more information regarding the IMS program and requirements, 360-902-1876.

## Bulk Milk Hauler Transport License

The Bulk Milk Hauler's License is required for all milk haulers. A "Milk Hauler" is defined as a person who transports milk or milk products in bulk to or from a milk processing plant, receiving station, or transfer station. The Bulk Milk Hauler's License is annual and free.

The application is available by searching for it by name on the WSDA website, [agr.wa.gov](http://agr.wa.gov), or by calling the WSDA Food Safety Program, 360-902-1876.



5. Licensing

9. Insurance

23. WSDA Food Processor License and Facilities

25. Food Product Recalls